



H-A 0370 #5

Document No.: GR 98 P 1507

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RECEIVED

By: W. S. [Signature]

Date: May 7, 2001

NOV 25 2002

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Andreas Rusch et al.
Applic. No. : 09/685,361
Filed : October 10, 2000
Title : Semiconductor Memory Device and Method for Fabricating It
Art Unit : 2818

PETITION UNDER 37 CFR 1.47(a)

The facts leading to this petition are as follows:

Infineon Technologies AG, by agreement obtained complete and exclusive proprietary interest in the invention.

The invention is considered sufficiently important to warrant application for patent and the non-filing of an application for patent would irreparably harm Infineon Technologies AG.

The inventor, Yoichi Otani, in the application currently cannot be reached to execute the declaration and the instant petition is necessary to preserve the rights of Infineon Technologies AG, and to prevent irreparable damage.

Infineon Technologies AG has made several efforts to obtain the signature of the inventor Yoichi Otani, who has left the aforesaid company and relocated first to Hopwell Junction, New York and then to Chiba-Cen, Japan. After being informed of his relocation to New York, applicant sent the application papers to Mr. Otani's address in New York. However, the papers were sent back to counsel as being undeliverable. A copy of that letter and a copy of the returned envelope is enclosed herewith. Applicant was then informed that Mr. Otani

RECEIVED

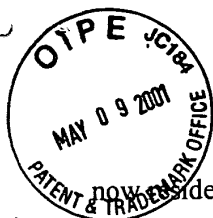
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OIP/ [Signature]

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resides in Japan. Accordingly, the application papers were sent to his present address in Japan, however, no response has been received yet. Enclosed is a copy of that mailing and a certified translation thereof.

In support of the above statements, enclosed herewith are two declarations by those who have been personally involved in the prosecution of the above-identified application and in obtaining the signature of the inventor Yoichi Otani.

On information and belief, the name and last-known address of the non-signing inventor is set forth below.

Yoichi Otani
c/o Megumi Niino
7-8-3 Hachigasaci
Matsudo-Shi
2700023 Chiba-Cen
Japan

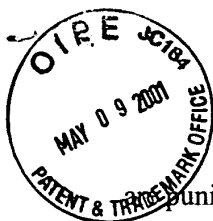
The above-mentioned new patent application was filed on October 10, 2000 without a signed oath or declaration, under the provision of 37 C.F.R. 1.53(b).

In accordance with the above-mentioned rule, enclosed herewith is the original signed declaration as required by the Notice to File Missing Parts of Application dated December 6, 2000.

The undersigned hereby states that the application filed in the Patent and Trademark Office is the application which the inventors (except for Yoichi Otani) executed by signing the declaration. MPEP 601.01(a)(6). The fee required for the late filing of an oath or declaration in the amount of \$130.00 is enclosed.

Also enclosed is the petition fee in the amount of \$130.00.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made



punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

It is respectfully requested that this application be given Rule 1.47 status and that the absence of the signature of the inventor Yoichi Otani be excused.

Petition for extension is herewith made. The extension fee for response within a period of three (3) months pursuant to Section 1.136(a) in the amount of \$890.00 is paid by credit card. The credit card form is enclosed.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

For Applicants

/bb

May 7, 2001

Lerner and Greenberg, P.A.

Post Office Box 2480

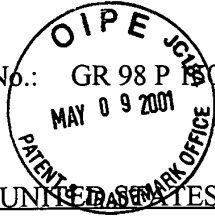
Hollywood, Florida 33022-2480

Tel: (954) 925-1100

Fax: (954) 925-1101

WERNER H. STEMER
REG. NO. 34,956

Docket No.: GR 98 P 1807



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Andreas Rusch et al.
Applic. No. : 09/685,361
Filed : October 10, 2000
Title : Semiconductor Memory Device and Method for Fabricating It
Art Unit : 2818

DECLARATION

I, the undersigned, herewith state that:

I have been personally involved in the communication to Mr. Otani, specifically with regard to the declaration. I personally wrote a letter to Mr. Otani on January 11, 2001, in which the declaration and the assignment were included. The letter was sent to his address in New York.

The letter was returned to our firm and I have personally placed the envelope stamped "Return to Sender - Unknown at this Address" in the file.

I have first-hand knowledge with regard to the aforementioned facts.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Barbara Bubser

Barbara Bubser

LERNER AND GREENBERG, P.A.

PATENT ATTORNEYS AND ATTORNEYS AT LAW

2445 Hollywood Boulevard
Hollywood, Florida 33020

Tel: (954) 925-1100
Fax: (954) 925-1101

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www.patentusa.com
patents@patentusa.com

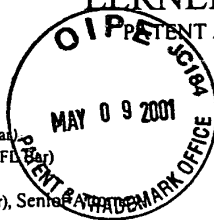
Mailing Address:
Post Office Box 2480
Hollywood, FL 33022-2480

New York Office
153 E 57th Street
Suite 15G
New York, NY 10022

Herbert L. Lerner (NY Bar)
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Werner H. Stemer (FL Bar), Senior Attorney

Ralph E. Locher (FL, IL, MO Bars)
Manfred Beck (US & German Pat. Agent)
Mark P. Weichselbaum (TN Bar)
Gregory L. Mayback (FL Bar)
Markus Nollf (FL Bar)
Otto S. Kauder (Reg. Pat. Agent)
Loren Donald Pearson (FL Bar)



GR 98 P 1507 P US

January 11, 2001

Yoichi Otani
1580 Route 52
Hopwell Junction, NY 12533

Re: **Andreas Rusch et al. - U.S. Patent Application**
Application No.: 09/685,361 - Filed: October 10, 2000

Dear Mr. Otani:

The German attorneys handling this case have asked us to get in touch with you.

Enclosed you will find the declaration and assignment for the above-identified patent application. Please sign both papers and fax them back to us as soon as possible. Our fax number is (954) 925-1100.

Please also initial next to your address in the declaration to acknowledge the change of address.

Very truly yours,

Laurence A. Greenberg
For the Firm

/bmb

Encl.: Declaration
Assignment

Docket No.: GR 98 P 1507

ASSIGNMENT

WHEREAS WE, ANDREAS RUSCH, STEFFEN ROTHENHÄUSSER, ALEXANDER TRUBY, YOICHI OTANI and ULRICH ZIMMERMANN, residing respectively at DRESDEN, DRESDEN, DRESDEN, WEIXDORF, Germany, and MECHANICSVILLE, VIRGINIA, USA, have invented certain new and useful improvements in a

SEMICONDUCTOR MEMORY AND METHOD FOR FABRICATING IT

for which an application for Letters Patent of the United States of America was executed on the date of execution of this assignment;

WHEREAS, INFINEON TECHNOLOGIES AG, a German corporation doing business at München, Germany, is desirous of acquiring the entire interest in said invention, and in any and all Letters Patent of the United States that may be obtained therefor;

NOW, THEREFORE, be it known that for and in consideration of our employment by the said corporation and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, we have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the said corporation, its legal representatives, successors and assigns, the full and exclusive right to the said invention as fully set forth and described in the above-mentioned application, and to said application and any and all divisions and continuations thereof, and any and all Letters Patent of the United States which may be granted therefor, and any and all reissues of said Letters Patent, the same to be held and enjoyed by the said corporation, its legal representatives, successors and assigns, to the full end of the term for which said Letters Patent may be granted or may be reissued or extended, as fully and entirely as the same would have been held by us had this assignment and sale not been made.

AND WE hereby authorize the Commissioner of Patents to issue any and all Letters Patent of the United States on said invention or resulting from said Application and from any and all divisions and continuations thereof to the said corporation as the assignee of the entire right, title and interest in and to the same.

In testimony whereof, we have hereunto set our hands and seal.

WITNESS

_____(LS)
ANDREAS RUSCH

DATE

WITNESS

_____(LS)
STEFFEN ROTHENHÄUSSER

DATE

WITNESS

ALEXANDER TRUBY (LS)

DATE

WITNESS

YOICHI OTANI (LS)

DATE

WITNESS

ULRICH ZIMMERMANN (LS)

DATE

Docket No.: GR 98 P 1507

COMBINED DECLARATION AND POWER OF ATTORNEY
IN ORIGINAL APPLICATION

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SEMICONDUCTOR MEMORY DEVICE AND METHOD FOR FABRICATING IT

described and claimed in the specification bearing that title, that I understand the content of the specification, that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve month prior to this application, that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application under 37 C.F.R. 1.56a, and that no application for patent or inventor's certificate of this invention has been filed earlier than the following in any country foreign to the United States prior to this application by me or my legal representatives or assigns:

German Application No. 198 15 874.2, filed April 8, 1998, the International Priority of which is claimed under 35 U.S.C. §119 and International Application No. PCT/DE99/00901, filed March 25, 1999, the Priority of which is claimed under 35 U.S.C. §120.

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

HERBERT L. LERNER (Reg.No.20,435)
LAURENCE A. GREENBERG (Reg.No.29,308)
WERNER H. STEMER (Reg.No.34,956)
RALPH E. LOCHER (Reg.No.41,947)

Address all correspondence and telephone calls to:

LERNER AND GREENBERG, P.A.
POST OFFICE BOX 2480
HOLLYWOOD, FLORIDA 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST JOINT INVENTOR: ANDREAS RUSCH

INVENTOR'S SIGNATURE: _____

DATE: _____

Residence: DRESDEN, GERMANY

Country of Citizenship: GERMANY

Post Office Address: SEBNITZER STRASSE 55
D-01099 DRESDEN
GERMANY

FULL NAME OF SECOND JOINT INVENTOR: STEFFEN ROTHENHÄUSSER

INVENTOR'S SIGNATURE: _____

DATE: _____

Residence: DRESDEN, GERMANY

Country of Citizenship: GERMANY

Post Office Address: LOUISENSTRASSE 5
D-01099 DRESDEN
GERMANY

FULL NAME OF THIRD JOINT INVENTOR:

ALEXANDER TRUBY

INVENTOR'S SIGNATURE: _____

DATE: _____

Residence: DRESDEN, GERMANY

Country of Citizenship: GERMANY

Post Office Address: KAMENZER STRASSE 13B
D-01099 DRESDEN
GERMANY

FULL NAME OF SECOND JOINT INVENTOR:

YOICHI OTANI

INVENTOR'S SIGNATURE: _____

DATE: _____

Residence: Hopwell Junction, New York
~~WEIXDORF, GERMANY~~

Country of Citizenship: JAPAN

Yoichi Otani
1580 Route 52
Hopwell Junction, NY 12533

Post Office Address: KÖNIGSBRÜCKER STRASSE 109
D-01478 WEIXDORF
GERMANY

FULL NAME OF THIRD JOINT INVENTOR:

ULRICH ZIMMERMANN

INVENTOR'S SIGNATURE: _____

DATE: _____

Residence: MECHANICSVILLE, VA

Country of Citizenship: GERMANY

Post Office Address: APPLEBLOSSOM DRIVE
MECHANICSVILLE, VA
USA

LERNER AND GREENBERG, P.A.
PATENT ATTORNEYS AND ATTORNEYS AT LAW
POST OFFICE BOX 2480
HOLLYWOOD, FL 33022-2480

RETURN TO SENDER
UNDELIVERED AT THIS ADDRESS

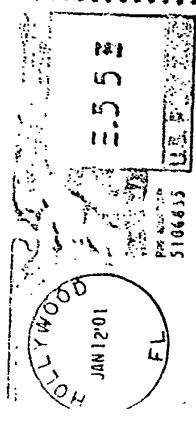
Yoichi Otani

1580 Route 52
Opweli Junction, NY 12553

RETURN TO SENDER
UNDELIVERED AT THIS ADDRESS

2480

1580 Route 52
Opweli Junction, NY 12553



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#5



GR 98 P 1507

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Andreas Rusch et al.
Applic. No. : 09/685,361
Filed : October 10, 2000
Title : Semiconductor Memory Device and Method for Fabricating It
Art Unit : 2818

DECLARATION

I, the undersigned, herewith state that:

I have been personally involved in the application process and the prosecution of the above-identified application. Specifically, the application, together with the declaration and assignment, were sent to Mr. Otani, the inventor who is the subject of the petition under 37 C.F.R. 1.47(a), in New York and in Japan. I personally organized the communication to Mr. Otani in Japan and I personally know that Mr. Otani has not returned the signed papers to us.

I have first-hand knowledge with regard to the aforementioned facts and I have been personally involved in the communication, or lack thereof, with Mr. Otani.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dr. Stephan Barth

REINHARD · SKUHRA · WEISE & PARTNER GbR



PATENTANWÄLTE
EUROPEAN PATENT AND TRADEMARK ATTORNEYS

Herr Torichi Otani
c/o megumi
Niino
7-8-3 Hachigasaki
Matsudo-shi
Chiba-Ken

270-0023 Japan

DR. rer. nat. HORST REINHARD - 1998
DIPLOM. UDO SKUHRA
DIPLOM. REINHARD WEISE
DR. rer. nat. WERNER BEHNISCH
DR. rer. nat. STEPHAN BARTH
DIPLOM. DIPLOM. GUY CHARLES
DIPLOM. JÜRGEN METZLER

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P.O. BOX 440151 Tel. +49-9561-871538
D-80750 MÜNCHEN Tel. +49-89-3818100
Fax. +49-89-3401479

int. Zischensch. Nr.

GR 98 E 1199 DE

unser Zeichen/Nr. ist

S0302 SB/pra

München/Munich


19. April 2001

Ihre Erfindungsmeldung mit der Bezeichnung
"Semiconductor memory and method for producing same"
Unterschreibung der Vollmacht

Sehr geehrter Herr Dr. Otani,

anliegend übersenden wir Ihnen in oben genannter Angelegenheit eine „Combined Declaration and Power of Attorney“ sowie das „Assignment“ mit der Bitte um Unterschrift und schnellstmögliche Rücksendung.

Mit freundlichen Grüßen


Dr. S. Barth
Patentanwalt

Anlage:
„Combined Declaration and Power of Attorney“
„Assignment“

ADR_0



Letter Head (see original)

Your Reference
GR 98 E 1199 DE

Our Reference
S0302 SB/pa

Munich
April 19, 2001

Your patent application entitled
"Semiconductor memory and method for producing same"
Signing of the Declaration

Dear Mr. Otani,

Enclosed herewith is a "Combined Declaration and Power of Attorney" as well as an
"Assignment" in the above-identified matter, with the request to sign and return as soon as
possible.

Very truly yours,

Dr. S. Barth
Patent Attorney

Enclosure:
"Combined Declaration and Power of Attorney"
"Assignment"


Docket No.: GR 98 P 1507

CERTIFICATION

I, the below named translator, hereby declare that: my name and post office address are as stated below; that I am knowledgeable in the English and German languages, and that I believe that the attached text is a true and complete translation of a letter from Reinhard, Skuhra, Weise & Partner, dated April 19, 2001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Hollywood, Florida


Birgit Bartell

May 7, 2001

Lerner & Greenberg, P.A.
P.O. Box 2480
Hollywood, FL 33022-2480
Tel.: (954) 925-1100
Fax.: (954) 925-1101



Docket No.: GR 98 P 1507

**COMBINED DECLARATION AND POWER OF ATTORNEY
IN ORIGINAL APPLICATION**

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SEMICONDUCTOR MEMORY DEVICE AND METHOD FOR FABRICATING IT

described and claimed in the specification bearing that title, that I understand the content of the specification, that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve month prior to this application, that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application under 37 C.F.R. 1.56a, and that no application for patent or inventor's certificate of this invention has been filed earlier than the following in any country foreign to the United States prior to this application by me or my legal representatives or assigns:

German Application No. 198 15 874.2, filed April 8, 1998, the International Priority of which is claimed under 35 U.S.C. §119 and International Application No. PCT/DE99/00901, filed March 25, 1999, the Priority of which is claimed under 35 U.S.C. §120.

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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LAURENCE A. GREENBERG (Reg.No.29,308)
WERNER H. STEMER (Reg.No.34,956)
RALPH E. LOCHER (Reg.No.41,947)

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Tel: (954) 925-1100
Fax: (954) 925-1101



VON -PA, S WEISE

+49-89-340147

T-286 P.03/11 F-784

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST JOINT INVENTOR: ANDREAS RUSCH

INVENTOR'S SIGNATURE: Andreas Rusch

DATE: _____

Residence: DRESDEN, GERMANY

Country of Citizenship: GERMANY

Post Office Address: SEBNITZER STRASSE 55
D-01099 DRESDEN
GERMANY

FULL NAME OF SECOND JOINT INVENTOR: STEFFEN ROTHENHÄUSSER

INVENTOR'S SIGNATURE: Steffen Rothenhäusser

DATE: 08.12.00

Residence: DRESDEN, GERMANY

Country of Citizenship: GERMANY

Post Office Address: LOUISENSTRASSE 5
D-01099 DRESDEN
GERMANY



FULL NAME OF THIRD JOINT INVENTOR:

ALEXANDER TRUBY

INVENTOR'S SIGNATURE: Alexander TrubyDATE: 9. 11. 2000Residence: DRESDEN, GERMANYCountry of Citizenship: GERMANYPost Office Address: KAMENZER STRASSE 13B
D-01099 DRESDEN
GERMANY

FULL NAME OF SECOND JOINT INVENTOR:

YOICHI OTANI

INVENTOR'S SIGNATURE: _____

DATE: _____

Residence: WEIXDORF, GERMANYCountry of Citizenship: JAPANPost Office Address: KÖNIGSBRÜCKER STRASSE 109
D-01478 WEIXDORF
GERMANY

FULL NAME OF THIRD JOINT INVENTOR:

ULRICH ZIMMERMANN

INVENTOR'S SIGNATURE: _____

DATE: _____

Residence: MECHANICSVILLE, VACountry of Citizenship: GERMANYPost Office Address: APPLEBLOSSOM DRIVE
MECHANICSVILLE, VA
USA



FULL NAME OF THIRD JOINT INVENTOR:

ALEXANDER TRUBY

INVENTOR'S SIGNATURE: _____

DATE: _____

Residence: DRESDEN, GERMANYCountry of Citizenship: GERMANYPost Office Address: KAMENZER STRASSE 13B
D-01099 DRESDEN
GERMANY

FULL NAME OF SECOND JOINT INVENTOR:

YOICHI OTANI

INVENTOR'S SIGNATURE: _____

DATE: _____

Residence: WEIXDORF, GERMANYCountry of Citizenship: JAPANPost Office Address: KÖNIGSBRÜCKER STRASSE 109
D-01478 WEIXDORF
GERMANY

FULL NAME OF THIRD JOINT INVENTOR:

ULRICH ZIMMERMANN

INVENTOR'S SIGNATURE: Ulrich ZimmermannDATE: Nov. 8th 2000Residence: MECHANICSVILLE, VACountry of Citizenship: GERMANYPost Office Address: APPLEBLOSSOM DRIVE
MECHANICSVILLE, VA
USA